

Exhibit A

Ubaldo, Antonia
L.C., a minor v. State of California

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

L.C., a minor by and through her)
guardian ad litem Maria Cadena,)
individually and as)
successor-in-interest to Hector)
Puga; I.H., a minor by and through)
his guardian ad litem Jasmine) No. 5:22-cv-00949-KK-(SHKx)
Hernandez, individually and as)
successor-in-interest to Hector)
Puga; A.L., a minor by and through)
her guardian ad litem Lydia Lopez,)
individually and as)
successor-in-interest to Hector)
Puga; and ANTONIA SALAS UBALDO,)
individually,)
)
Plaintiffs,)
)
vs.)
)
STATE OF CALIFORNIA; COUNTY OF SAN)
BERNARDINO; S.S.C., a nominal)
defendant; ISAIAH KEE; MICHAEL)
BLACKWOOD; BERNARDO RUBALCAVA;)
ROBERT VACCARI; JAKE ADAMS; and)
DOES 6-10, inclusive,)
)
Defendants.)
_____)

REMOTE VIDEOTAPED DEPOSITION OF ANTONIA SALAS UBALDO

Bellflower, California

Tuesday, December 3, 2024

Volume I

Reported by:

JILL GLANTZ

CSR No. 11341

Job No. 131706

1 Q You testified earlier that your doctor Jay
2 Rivera had prescribed you some medication for your
3 depression. In your responses to written questions,
4 you identified a Dr. George -- I'm going to butcher
03:39:26 5 the last name -- it's "Jayatilaki,"
6 J-a-y-a-t-i-l-a-k-i -- who had diagnosed you with
7 depression and prescribed you some medication.

8 Can you please clarify which doctor it is
9 that diagnosed you with depression and prescribed
03:39:52 10 you the medication?

11 A I called my doctor "Dr. Rivera" because I
12 don't even know how to pronounce the last name. He
13 prescribed medicine for depression one time.

14 Q So is George Jayatilaki the same as Dr. Jay
03:41:28 15 Rivera?

16 A I don't know if it is the same one or what.
17 I say that "I'm going, I'm leaving," and what is the
18 name of the doctor, Dr. Rivera, and that's it.

19 Q And you also testified earlier that you have
03:42:01 20 spoken with -- and I'm just going to call him
21 "Dr. Rivera," because that's who you mentioned
22 during this deposition -- that you've mentioned and
23 had discussions with him about your depression on a
24 number of occasions. Is that correct?

03:42:38 25 A Yes, yes. I didn't go to say that I was

1 depressed. I only said that my son died.

2 Q Did Dr. Rivera inform you that he was
3 diagnosing you with depression?

03:43:48 4 A Well, the thing is, he did not tell me that I
5 was depressed. But what happened is that I cried
6 and I cried and I cried. So the doctor said that I
7 was depressed. But I have never -- he prescribed
8 those pills, but I never wanted to take the pills.
9 I just trust in God because I never said that I was
03:44:11 10 depressed.

11 Q What clinic is Dr. -- or what hospital or
12 organization is Dr. Jay Rivera part of?

13 A In Long Beach, but at the clinic that is on
14 Atlantic at -- next to the Santa Maria Hospital.

03:45:00 15 Q Have you made any efforts to obtain your
16 medical records for those -- for those times that he
17 discussed your depression with you, including the
18 time that he prescribed you medication for
19 depression?

03:45:54 20 A It was just that day that I spoke to him, and
21 I told him that my son had died, and I was crying
22 and -- but I haven't talked to him about depression
23 anymore, no.

24 Q Did he actually hand you a physical paper
03:46:12 25 prescribing you the medication?

Ubaldo, Antonia
L.C., a minor v. State of California

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; that the foregoing transcript is
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal Case,
14 before completion of the proceedings, review
15 of the transcript {X} was { } was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee of any
18 attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed my
20 name.

21
22 Dated: December 10, 2024



JILL GLANTZ
CSR No. 11341

25

Exhibit B

L.C., ET AL vs STATE OF CALIFORNIA, ET AL
Gabriela Salas, Vol. 1 on 12/19/2024

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA

3
4 L.C., et al.,
5 Plaintiffs,

6 vs.

No. 5:22-cv-00949
KK-SHK

7 STATE OF CALIFORNIA, et al.,
8 Defendants.

9 _____/

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REMOTE DEPOSITION OF

13

GABRIELA SALAS

14

VOLUME I

15

Appearing from Long Beach, California

16

Thursday, December 19, 2024

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Reported by:
KATHLEEN BACA
CSR No. 10267

23

24

25 JOB No. 00125976

L.C., ET AL vs STATE OF CALIFORNIA, ET AL
Gabriela Salas, Vol. 1 on 12/19/2024

Page 57

1 Q. I'm sorry. Was this the day that you were out
2 there?

3 A. No.

4 Q. Okay. I just want to know about the day and
5 then we can talk about afterwards.

6 The day that you were out there wondering if
7 this was your brother involved in this incident where
8 you said you were there from about noon to 1 until 8 or
9 9 in the evening, did any of the neighbors at that time
10 offer you to -- offer to provide you with recordings of
11 what had transpired between your brother and the police?

12 A. No.

13 Q. It was afterwards that someone did that?

14 A. Yes.

15 Q. Was this the same neighbor that welcomed you
16 into her home?

17 A. No.

18 Q. Was this other neighbor, male or female?

19 A. Female.

20 Q. Do you remember her name?

21 A. I think it was Betzabeth. I don't remember
22 the name clearly. But it was a female.

23 Q. And how did she get in touch with you later to
24 tell you that she had a recording and was willing to
25 make that available to you?

L.C., ET AL vs STATE OF CALIFORNIA, ET AL
Gabriela Salas, Vol. 1 on 12/19/2024

Page 58

1 A. She got my number through the GoFundMe that I
2 was -- that I had created.

3 Q. Did she tell you where she lived in relation
4 to the intersection where the incident occurred?

5 A. It was a very quick phone call. She just told
6 me she has a video and I believe it was for my brother.
7 I asked to see if she was able to provide me with that
8 video, but if she could send it to the attorney, not to
9 me.

10 Q. And you provided her with the attorney
11 information so she can send it directly to the attorney?

12 A. Yes.

13 Q. Other than that brief phone call, any other
14 contact with Betzabeth regarding any recordings or what
15 she saw concerning the incident?

16 A. No.

17 Q. And other than Betzabeth, any other neighbor
18 that subsequently contacted you offering you video or
19 audio recordings of what transpired between the police
20 and your brother on the date of the incident?

21 A. If I -- I kind of -- kind of remember there
22 was another video on Facebook. Yeah. There was another
23 video on Facebook from one of the neighbors.

24 Q. But is that something that was offered to you
25 or you just came across it on Facebook?

L.C., ET AL vs STATE OF CALIFORNIA, ET AL
Gabriela Salas, Vol. 1 on 12/19/2024

Page 85

1 CERTIFICATE

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth; that
6 any witnesses in the foregoing proceedings, prior to
7 testifying, were duly sworn; that a record of the
8 proceedings was made by me using machine shorthand which
9 was thereafter transcribed under my direction; that the
10 foregoing transcript is a true record of the testimony
11 given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal Case,
14 before completion of the proceedings, review of the
15 transcript [] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee of
18 any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed
20 my name.

21

22 Dated: December 27, 2024.

23

24

25



KATHLEEN BACA, CSR #10267

Exhibit C

02:04 1 A. No.

02:04 2 Q. Okay. Are you aware of any other medical liens
02:04 3 that you're responsible for for -- based on the medical
02:04 4 care that your -- that your son received at Loma Linda
02:04 5 Hospital?

02:04 6 A. No.

02:04 7 Q. Are you aware of any medical liens for which
02:04 8 you are responsible for the medical care your wife
02:04 9 received at Loma Linda Hospital?

02:04 10 A. No.

02:04 11 Q. Are you aware of any bills for which you are
02:04 12 responsible for based on the medical care your son
02:04 13 received at Loma Linda Hospital?

02:04 14 A. No.

02:05 15 Q. Are you aware of any bills for which you are
02:05 16 responsible based on the medical care your wife received
02:05 17 at Loma Linda Hospital?

02:05 18 A. No.

02:05 19 Q. Were you aware that in the summer of 2022, your
02:05 20 father took your son to urgent care?

02:05 21 A. Correct.

02:05 22 Q. Okay. Did your -- do you know why your father
02:05 23 took your son to urgent care while he was visiting in the
02:05 24 summer of 2022?

02:05 25 A. Yes.

02:05 1 Q. Why did he do that?

02:05 2 A. Because my son's chest was bleeding.

02:05 3 Q. Did your father-in -- did your father tell you
02:05 4 why your -- if he -- if he knew why your son's chest was
02:05 5 bleeding?

02:05 6 A. No, he didn't.

02:05 7 Q. Did your son contact you and let you know that
02:06 8 his chest was bleeding?

02:06 9 A. Yes.

02:06 10 Q. And did you ask him why it was bleeding?

02:06 11 A. No. I just asked -- I just told him to put a
02:06 12 Band-Aid on it.

02:06 13 Q. Have you -- has -- your son, since he returned
02:06 14 home from the hospital, has he ever shown you his chest
02:06 15 when it's been bleeding?

02:06 16 A. Yes.

02:06 17 Q. On those occasions that he has shown it to you,
02:06 18 what did it look like?

02:06 19 A. Like his chest was bleeding.

02:06 20 Q. From an open wound?

02:06 21 A. Yes, from a hole.

02:06 22 Q. Is it just one hole?

02:06 23 A. Yes.

02:06 24 Q. And where is that hole located?

02:06 25 A. His left side of his chest.

1 I, SANDRA NALLEY, Certified Shorthand Reporter for the
2 State of California, do hereby certify:

3
4 That the witness in the foregoing deposition was by me
5 first duly sworn to testify to the truth, the whole truth
6 and nothing but the truth in the foregoing cause; that
7 the deposition was taken by me in machine shorthand and
8 later transcribed into typewriting, under my direction,
9 and that the foregoing contains a true record of the
10 testimony of the witness.

11
12 Dated: This 30th day of December, 2024, at Temecula,
13 California.

14
15
16
17 

18 _____
19 SANDRA NALLEY
20 CSR NO. 13607
21
22
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Exhibit D

03:14 1 waste her time as a therapist and I just felt it was
03:15 2 useless to continue the services.

03:15 3 Q. Is it your belief, as you sit here today, that
03:15 4 therapy just doesn't help you?

03:15 5 A. Yes, ma'am.

03:15 6 Q. Have you tried any therapists other than
03:15 7 Sarah Schmotzer?

03:15 8 A. No.

03:15 9 Q. How did you pay for Ms. Schmotzer's services?

03:15 10 A. My -- my health insurance.

03:15 11 Q. And what health insurance is that?

03:15 12 A. Medi-Cal.

03:15 13 Q. And how long have you had Medi-Cal?

03:15 14 A. Since I started college.

03:15 15 Q. And that was when you were still in high
03:15 16 school?

03:15 17 A. No. After I had graduated high school.

03:15 18 Q. Did you have to pay anything out of pocket for
03:15 19 Ms. Schmotzer's services?

03:15 20 A. No. Other than to get --

03:15 21 (Reporter clarification.)

03:15 22 THE WITNESS: Other than to get this attendance
03:15 23 and treatment summary. I had to pay for that out of
03:15 24 pocket.

03:15 25 ///

03:15 1 BY MS. GUSTAFSON:

03:15 2 Q. What did you have to pay to get the records?

03:16 3 A. \$25.

03:16 4 Q. And when did you get the records?

03:16 5 A. I got them -- it actually doesn't say when I
03:16 6 got them. Oh, it says -- no, actually, I don't know if
03:16 7 that's the date. Oh, no, it says April 1st of 2024.

03:16 8 Q. What was the reason you got the records in
03:16 9 April of 2024?

03:16 10 A. It was requested by my lawyer.

03:16 11 Q. Now, you've brought these records and they're
03:16 12 sitting with you at the deposition. Is this -- these
03:16 13 records from Sarah Schmotzer also something that you
03:16 14 reviewed to prepare for today?

03:16 15 A. No.

03:16 16 Q. What was the reason that you have them sitting
03:16 17 with you at the deposition?

03:16 18 A. I was told they would be necessary.

03:16 19 Q. Did Ms. Schmotzer ever recommend any medication
03:17 20 for you?

03:17 21 A. Yes, she did have me sent to a psychiatrist to
03:17 22 try to get medication. I attempted to take some of it.
03:17 23 I didn't like the way it made me feel and I stopped
03:17 24 taking it.

03:17 25 Q. So you -- in addition to Ms. Schmotzer, you

03:17 1 also went and saw a psychiatrist?

03:17 2 A. Yes, ma'am. But not --

03:17 3 Q. And --

03:17 4 A. -- for a doctor or anything. Like, she just --
03:17 5 I just gave her my symptoms. She looked over what my
03:17 6 therapist had given her and she prescribed me a
03:17 7 medication. I don't believe she was even actually a
03:17 8 psychiatrist. They just call their nurse practitioners
03:17 9 psychiatrists.

03:17 10 Q. But my question is -- is: In addition to
03:17 11 Sarah Schmotzer, there was somebody else that you went to
03:17 12 see?

03:17 13 A. Yes, ma'am.

03:17 14 Q. And you believe that was either -- she was
03:17 15 either a psychiatrist or a nurse practitioner?

03:17 16 A. No. She had identified as a nurse
03:17 17 practitioner.

03:17 18 Q. And what was the name of the nurse practitioner
03:17 19 that you went to see?

03:17 20 A. I don't have her name.

03:17 21 Q. When did you go see this nurse practitioner?

03:18 22 A. I don't have the name -- the date for that
03:18 23 either.

03:18 24 Q. Well, you indicated that you had been treating
03:18 25 with Ms. Schmotzer from about October of 2023 till

03:20 1 Q. And did you -- is that the reason you stopped
03:20 2 seeing her?

03:20 3 A. Yes, ma'am.

03:20 4 Q. And what medication did she give you in October
03:20 5 of 2023?

03:20 6 A. I believe it was florhexide (phonetic). I -- I
03:20 7 have the medication. I can bring it to you if you'd
03:20 8 like. I can't remember the exact name of it. I'm not
03:20 9 good with medication names.

03:20 10 Q. You sill have the bottle?

03:20 11 A. Yes, ma'am.

03:20 12 Q. Maybe when we take a break, we can get that.

03:20 13 A. Okay.

03:20 14 Q. Any other medication other than the one that
03:21 15 you believe was called florhexide?

03:21 16 A. No.

03:21 17 Q. And how long did you take the medication?

03:21 18 A. Two days.

03:21 19 Q. And why did you stop taking it?

03:21 20 A. I didn't like the way it made me feel.

03:21 21 Q. And what was it you didn't like?

03:21 22 A. It made me feel like I was a zombie.

03:21 23 Q. Did you discuss possibly trying a different
03:21 24 medication?

03:21 25 A. No.

04:51 1 THE REPORTER: Off the record?
04:51 2 MS. GUSTAFSON: Yeah, we can go off the record.
04:51 3 THE VIDEOGRAPHER: Videotaped deposition is
04:51 4 going off the record at 4:51 p.m.

04:54 5 (Recess taken.)

04:54 6 THE VIDEOGRAPHER: Videotaped deposition is
04:55 7 returning to record at 4:55 p.m.

04:55 8

04:55 9 EXAMINATION

04:55 10 BY MS. ESQUIVEL:

04:55 11 Q. Good afternoon, Ms. Botten. Like I mentioned
04:55 12 before we went back on the record, I just have some
04:55 13 follow-up questions, and I apologize. I'm going to be
04:55 14 jumping around quite a bit.

04:55 15 Can you give us the name of the medication that
04:55 16 was prescribed to you by the nurse practitioner that you
04:55 17 believe was a psychiatrist?

04:55 18 A. They call it a psychiatrist, but she identified
04:55 19 as a nurse practitioner.

04:55 20 Q. All right.

04:55 21 A. It's called fluoxetine. It's spelled
04:55 22 f-l-u-o-x-e-t-i-n-e and it's 20 milligrams.

04:55 23 Q. Okay. Thank you.

04:55 24 And does it have a name there of the doctor
04:56 25 that wrote that prescription?

04:56 1 A. Yes. It says Lauren Ware.

04:56 2 Q. Can you spell the last name for me, please?

04:56 3 A. W-a-r-e.

04:56 4 Q. Okay. And is there a title there, like, either
04:56 5 Dr., NP?

04:56 6 A. No.

04:56 7 Q. Okay. Is there a phone number for Lauren Ware?

04:56 8 A. No. I'm not seeing one.

04:56 9 Q. Okay. Does it have a name of the clinic or
04:56 10 practice?

04:56 11 A. No. The only thing it says is where I got it,
04:56 12 which was at Walmart.

04:56 13 Q. Okay. So I'm going to -- I guess I'm just
04:56 14 trying to have -- trying to understand -- get some
04:56 15 clarification from you in terms of what you no longer
04:57 16 have a recollection of. I know Ms. -- I know Shannon was
04:57 17 asking you quite a bit of that, but I just -- I'm not
04:57 18 really clear.

04:57 19 So is it your testimony that after your mom
04:57 20 woke you up and had you come to the living room, that --
04:57 21 and you went to the window and then you went back to the
04:57 22 couch -- couch, that after that, your next recollection
04:57 23 is seeing your mom bleeding from the face while you were
04:57 24 on the floor?

04:57 25 A. Yes.

05:16 1 **quality. Does this look like the one you might be**
05:16 2 **referring to?**

05:16 3 A. I can't see anything. Alls I can see is --

05:16 4 MS. GUSTAFSON: Diana, we don't have the video.
05:16 5 We just have your screen with a list of videos.

05:16 6 MS. ESQUIVEL: Oh.

05:16 7 THE WITNESS: Yeah.

05:16 8 MS. ESQUIVEL: I probably shared the wrong
05:16 9 screen. Hold on.

05:16 10 BY MS. ESQUIVEL:

05:16 11 **Q. Okay. Let me try this again.**

05:16 12 A. No.

05:16 13 **Q. No? Okay. Let me try one more. Okay. Let's**
05:16 14 **try to see if this one might be it.**

05:17 15 A. No.

05:17 16 **Q. No? And who showed you -- or do you know where**
05:17 17 **you got the second video that you're thinking about that**
05:17 18 **is in black and white?**

05:17 19 A. I don't know exactly where I got the video. I
05:17 20 don't know if I had gotten it from my parents, but I do
05:17 21 know it was a video that was from the neighbors, and it's
05:17 22 in black and white.

05:17 23 **Q. Do you still have that video?**

05:17 24 A. I believe so, I do.

05:17 25 **Q. Okay. I'm going to ask you if you can please**

05:17 1 provide that to your attorney --

05:17 2 A. Okay.

05:17 3 Q. -- and we'll just ask it from her. Okay?

05:17 4 A. Okay.

05:17 5 Q. Because like I said, I don't -- I have never
05:17 6 seen a black-and-white one, so I don't know if that's one
05:17 7 that we have.

05:17 8 A. Okay.

05:17 9 Q. Okay. And that's one that you say that you've
05:17 10 watched and that you watched back in 2022 for six to
05:18 11 eight hours total over a period of time, correct?

05:18 12 A. Yes. I had watched both the neighbor videos.
05:18 13 The black-and-white video is very -- is probably the
05:18 14 worse video out of both of them.

05:18 15 Q. Okay.

05:18 16 A. Because in that video you hear us screaming for
05:18 17 help.

05:18 18 Q. Okay. And that's the one that you feel has
05:18 19 contributed to your trauma and why you want to -- you've
05:18 20 forgotten a lot of what had happened?

05:18 21 A. No. The shooting is the reason I forgot what
05:18 22 was happening. The videos were to try to help me
05:18 23 remember what was happening.

05:18 24 Q. Okay.

05:18 25 MS. GUSTAFSON: And, Diana, for the record, I

1 I, SANDRA NALLEY, Certified Shorthand Reporter for the
2 State of California, do hereby certify:

3
4 That the witness in the foregoing deposition was by me
5 first duly sworn to testify to the truth, the whole truth
6 and nothing but the truth in the foregoing cause; that
7 the deposition was taken by me in machine shorthand and
8 later transcribed into typewriting, under my direction,
9 and that the foregoing contains a true record of the
10 testimony of the witness.

11
12 Dated: This 30th day of December, 2024, at Temecula,
13 California.

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15
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18 _____
19 SANDRA NALLEY
20 CSR NO. 13607
21
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Exhibit E



**Renewing Hope Family Counseling Center, Inc.
Attendance/Treatment Summary**

April 1, 2024

Annabelle Botten
13853 Farmington St.
Oak Hills, Ca. 92344

Dear Annabelle Botten,

This letter is being written to confirm your participation at Renewing Hope Family Counseling Center, Inc. on the following dates:

Therapy:

06/14/2023	09/26/2023	12/08/2023 (Clinician Cancelled)	02/29/2024
06/21/2023	09/29/2023	12/12/2023	03/06/2024
06/27/2023	10/06/2023	12/15/2023	03/13/2024
07/05/2023	10/10/2023	12/19/2023	03/21/2024
07/11/2023 (No Show)	10/13/2023	12/26/2023 (Clinician Cancelled)	03/27/2024
07/18/2023	10/17/2023	12/29/2023 (Clinician Cancelled)	
07/25/2023	10/20/2023	01/02/2024	
07/27/2023	10/24/2023	01/05/2024	
08/01/2023	10/27/2023	01/09/2024 (No Show)	
08/04/2023	10/31/2023	01/12/2024	
08/08/2023	11/03/2023 (Late Cancelled)	01/16/2024	
08/11/2023 (No Show)	11/07/2023	01/18/2024	
08/14/2023	11/10/2023	01/23/2024	
08/16/2023	11/14/2023	01/25/2024	
08/22/2023	11/17/2023	01/30/2024	
08/29/2023	11/21/2023	02/01/2024	
09/12/2023	11/24/2023	02/06/2024	
09/15/2023	11/28/2023	02/08/2024	
09/19/2023	12/01/2023	02/16/2024	
09/22/2023	12/05/2023	02/22/2024	

Corporate Office
24910 Las Brisas Rd Ste 117
Murrieta, CA 92662
Phone: 951-465-3664 Fax: 951-972-8561

PLTFS 00331

Psychiatry:

06/30/2023

07/31/2023

08/28/2023

09/25/2023

Diagnosis:

F33.1 - Major depressive disorder, recurrent, moderate

F43.10 - Post-traumatic stress disorder, unspecified

Modality: Cognitive Behavioral Therapy

Corporate Office
24910 Las Brisas Rd Ste 117
Murrieta, CA 92582
Phone: 951-468-3664 Fax: 951-972-8551

PLTFS 00332

Exhibit F

1 Dale K. Galipo, Esq. (SBN 144074)
dalekgalipo@yahoo.com
2 Hang D. Le, Esq. (SBN 293450)
hlee@galipolaw.com
3 LAW OFFICES OF DALE K. GALIPO
21800 Burbank Boulevard, Suite 310
4 Woodland Hills, California 91367
Tel: (818) 347-3333/ Fax: (818) 347-4118
5

6 *Attorneys for Plaintiffs*
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 L.C., a minor, et al.,
11

12 Plaintiff,

13 vs.

14 STATE OF CALIFORNIA, et al.,
15

16 Defendant.
17

Case No. 5:22-cv-00949-KK-(SHK)

Hon. Kenly Kiya Kato

**PLAINTIFF ANTONIA SALAS
UBALDO'S FIRST
SUPPLEMENTAL RESPONSES
TO DEFENDANT COUNTY OF
SAN BERNARDINO'S REQUESTS
FOR PRODUCTION**

18 **PROPOUNDING PARTY:** Defendant, County of San Bernardino

19 **RESPONDING PARTY:** Plaintiff, Antonia Salas Ubaldo

20 **SET NUMBER:** One (1)
21
22
23
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1 or documents recalled, discovered or generated pursuant to subsequent investigation
2 and discovery.

3 **III.**

4 **PLAINTIFF'S FIRST SUPPLEMENTAL RESPONSES TO REQUESTS FOR**
5 **PRODUCTION**

6
7 **REQUEST NO. 9:**

8 Any and all photographs, videotapes, or audio tapes that depict any or all of
9 the INCIDENT giving rise to this lawsuit.

10 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 9:**

11 Plaintiff objects to this Request on the basis that it calls for documents already
12 in Defendant's possession, custody, or control. Without waiving the foregoing
13 objections, Plaintiff responds as follows: Plaintiff identifies the following videos
14 that are in Defendant's possession, custody, and control: COSB1417-COSB1470.

15 Additionally, Plaintiff is concurrently producing a video that is responsive to this
16 request [Plaintiff 0241].

17 As discovery is ongoing, Plaintiff reserves the right to amend and/or
18 supplement this Response.

19
20 **REQUEST NO. 16:**

21 All DOCUMENTS that relate to, support, or evidence YOUR claims as
22 alleged in YOUR OPERATIVE COMPLAINT.

23 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 9:**

24 Plaintiff is concurrently producing a video that is responsive to this request
25 [Plaintiff 0241].

26 As discovery is ongoing, Plaintiff reserves the right to amend and/or supplement this
27 Response.

1 DATED: October 31, 2024

THE LAW OFFICES OF DALE K. GALIPO

2
3 BY: /s/ Hang D. Le

4 Dale K. Galipo

5 Hang D. Le

6 Attorneys for Plaintiffs
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Exhibit G

LAW OFFICES OF DALE K. GALIPO

Dale K. Galipo (SBN 144074)
dalekgalipo@yahoo.com
Hang D. Le (SBN 293450)
hlee@galipolaw.com
21800 Burbank Boulevard, Suite 310
Woodland Hills, California 91367
Telephone: (818) 347-3333
Facsimile: (818) 347-4118

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

L.C., a minor by and through her guardian
ad litem Maria Cadena, individually and as
successor-in-interest to Hector Puga; I.H., a
minor by and through his guardian ad litem
Jasmine Hernandez, individually and as
successor-in-interest to Hector Puga; A.L.,
a minor by and through her guardian ad
litem Lydia Lopez, individually and as
successor-in-interest to Hector Puga; and
ANTONIA SALAS UBALDO,
individually

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY OF
SAN BERNARDINO; S.S.C., a nominal
defendant; ISAIAH KEE; MICHAEL
BLACKWOOD; BERNARDO
RUBALCAVA; ROBERT VACCARI;
JAKE ADAMS; and DOES 6-10, inclusive,

Defendants.

Case No.: 5:22-cv-00949-JGB-(KK)

**PLAINTIFF ANTONIA SALAS
UBALDO'S. RESPONSES TO
DEFENDANT ROBERT
VACCARI'S INTERROGATORIES
(SET ONE)**

PROPOUNDING PARTY: Defendant, Robert Vaccari

RESPONDING PARTY: Plaintiff, Antonia Salas Ubaldo

SET NUMBER: One (1)

1 information already known by, or reasonably accessible to Defendants, or facts that are
2 solely within the knowledge and control of Defendants.

3 10. Plaintiff's objections to the disclosure of any information requested in the
4 Interrogatories are not and shall not be construed as an admission that any such
5 information exists.

6 **RESPONSES TO INTERROGATORIES (SET ONE)**

7
8 **INTERROGATORY 1:**

9 IDENTIFY by name and provide contact information for the person that captured
10 the video footage Plaintiff provided on October 31, 2024, identified by Plaintiff as Bates
11 No. 0241, in response to County's Request for Production of Documents, Set One.

12 **RESPONSE TO INTERROGATORY 1:**

13 Plaintiff does not have personal knowledge of the information requested in this
14 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
15 thereon believes the name and contact information of the person who captured the video
16 footage Plaintiff provided on October 31, 2024, identified by Plaintiff as Bates No. 0214
17 is as follows: Betzabeth Gonzalez, Phone: 760-985-6970.

18 **INTERROGATORY 2:**

19 IDENTIFY the type of recording device (such as cell phone, iPad, etc) and the
20 make and model of the recording device used to capture Plaintiff's Bates No. 0241
21 video produced on October 31, 2024, in response to County's Request for Production of
22 Documents, Set One.

23 **RESPONSE TO INTERROGATORY 2:**

24 Plaintiff does not have personal knowledge of the information requested in this
25 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
26 thereon believes that the video was captured on a Samsung Galaxy cell phone.

27 **INTERROGATORY 3:**

1 Plaintiff does not have personal knowledge of the information requested in this
2 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
3 thereon believes that the video was captured on a Samsung Galaxy cell phone.

4 **RESPONSES TO INTERROGATORY 3:**

5 Plaintiff does not have personal knowledge of the information requested in this
6 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
7 thereon believes that an individual by the name of Jacob Gonzalez was also present
8 when Bates No. 0241 was recorded and that his contact information is (619) 631-2526.

9 **INTERROGATORY 4:**

10 State the specific location, including the address, of where Plaintiff's Bates No.
11 0241 video, provided on October 31, 2024, in response to County's Request for
12 Production of Documents, Set One, was taken from.

13 **RESPONSES TO INTERROGATORY 4:**

14 Plaintiff does not have personal knowledge of the information requested in this
15 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
16 thereon believes that the video was taken at the following address: 11428 Peach
17 Avenue, Hesperia CA 92345.

18 **INTERROGATORY 5:**

19 State whether Plaintiff's Bates No. 0241 video, provided on October 31, 2024, in
20 response to County's Request for Production of Documents, Set One, was taken, from
21 inside or outside, and if from inside, identify where inside the video was taken from.

22 **RESPONSES TO INTERROGATORY 5:**

23 Plaintiff does not have personal knowledge of the information requested in this
24 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
25 thereon believes that the video was taken indoors, inside a bathroom.

26
27 **INTERROGATORY 6:**
28

1 State whether Plaintiff's Bates No. 0241 video, provided on October 31, 2024, in
2 response to County's Request for Production of Documents, Set One, was taken through
3 a window or glass.

4 **RESPONSES TO INTERROGATORY 6:**

5 Plaintiff does not have personal knowledge of the information requested in this
6 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
7 thereon believes that the video was recorded behind a screen.

8 **INTERROGATORY 7:**

9 State whether Plaintiff's Bates No. 0241 video, provided on October 31, 2024, in
10 response to County's Request for Production of Documents, Set One, is the entire video
11 captured.

12 **RESPONSES TO INTERROGATORY 7:**

13 Plaintiff does not have personal knowledge of the information requested in this
14 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
15 thereon believes that Bates No. 0241 is the full video

16 **INTERROGATORY 8:**

17 State whether Plaintiff's Bates No. 0241 video, provided on October 31, 2024, in
18 response to County's Request for Production of Documents, Set One, has been altered,
19 enhanced, and/or modified in any way.

20 **RESPONSES TO INTERROGATORY 8:**

21 Plaintiff does not have personal knowledge of the information requested in this
22 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
23 thereon believes that Bates No. 0241 has not been altered, enhanced, or modified in any
24 way.

25 ///

26 ///

27 **INTERROGATORY 9:**

1 State whether Plaintiff's Bates No. 0241 video, provided on October 31, 2024, in
2 response to County's Request for Production of Documents, Set One, is the original
3 version of the video or if there are other versions that exist.

4 **RESPONSES TO INTERROGATORY 9:**

5 Plaintiff does not have personal knowledge of the information requested in this
6 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
7 thereon believes that Bates No. 0241 is the original video.

8 **INTERROGATORY 10:**

9 State whether Plaintiff is aware of any other video or audio recording capturing
10 the incident and if so, IDENTIFY all known video and audio not yet provided to
11 Defendants.

12 **RESPONSES TO INTERROGATORY 10:**

13 Plaintiff does not have personal knowledge of the information requested in this
14 Interrogatory. After diligent search and reasonable inquiry, Plaintiff is informed of and
15 thereon believes that that there are three additional videos of the incident that were taken
16 by Betzabeth Gonzalez.

17
18 DATED: December 4, 2024

THE LAW OFFICES OF DALE K. GALIPO

19
20 BY: /s/ Hang D. Le

21 Dale K. Galipo

22 Hang D. Le

23 Attorneys for Plaintiffs
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UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA	FOR COURT USE ONLY
TITLE OF CASE (Abbreviated) L.C., et al. v. State of California, et al.	
ATTORNEY(S) NAME AND ADDRESS Dale K. Galipo (CA SBN 144074) Hang D. Le, Esq. (Bar No. 293450) LAW OFFICES OF DALE K. GALIPO 21800 Burbank Blvd, Suite 310 Woodland Hills, California 91367 Fax: (818) 347-4118 Email: dalekgalipo@yahoo.com ; hlee@galipolaw.com	
ATTORNEY(S) FOR: Plaintiffs	Case No. 5:22-cv-00949-JGB-KK Courtroom: 1 Judge: Jesus G Bernal

DECLARATION OF SERVICE

I, Leslie De Leon, am employed in the County of Los Angeles, State of California and am over the age of eighteen years and not a party to the within action. My business address is 21800 Burbank Boulevard, Suite 310, Woodland Hills, California 91367. On December 9, 2024, I served the foregoing document described as: **PLAINTIFF ANTONIA SALAS UBALDO'S RESPONSES TO DEFENDANT ROBERT VACCARI'S INTERROGATORIES (SET ONE)** on all interested parties, through their respective attorneys of record in this action by placing a true copy thereof enclosed in a sealed envelope addressed as specified below:

SEE ATTACHED SERVICE LIST

METHOD OF SERVICE

☐ (BY MAIL) I enclosed the documents in a sealed envelope or package and addressed to the parties at the address specified above.

☐ I placed the envelope or package for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of this office for the collection, processing and mailing of documents. On the same day that documents are placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☒ (BY ELECTRONIC SERVICE) I caused the foregoing document(s) to be sent via electronic transmittal to the notification addresses listed below as registered with this court's case management/electronic court filing system.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 9, 2024

/s/ *Leslie De Leon*

Leslie De Leon

Exhibit H

1 ROB BONTA
Attorney General of California
2 NORMAN D. MORRISON
Supervising Deputy Attorney General
3 DIANA ESQUIVEL
Deputy Attorney General
4 State Bar No. 202954
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7320
Facsimile: (916) 322-8288
7 E-mail: Diana.Esquivel@doj.ca.gov
8 *Attorneys for Defendants State of California, by and*
through the California Highway Patrol, Blackwood,
Kee, and Rubalcava
9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12
13

14 **L.C., et al.,**

15 Plaintiffs,

16 v.

17 **STATE OF CALIFORNIA, et al.,**

18 Defendants.
19
20
21

No. 5:22-cv-00949 KK-SHK

**NOTICE OF TAKING
DEPOSITIONS OF PLAINTIFFS
A.L., I.H., and L.C.**

Date: December 20, 2024
Time: 10:00 a.m., 1:00 p.m. &
2:30 p.m.
Location: LYNBERG & WATKINS
1100 W. Town & Country Road
Suite 1450, Orange, California

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORDS:

23 PLEASE TAKE NOTICE that Defendant State of California will take the
24 depositions of Plaintiffs A.L., I.H., and L.C. on the dates and times listed below,
25 upon oral examination before a certified shorthand reporter as permitted under
26 Federal Rule of Civil Procedure 30. The depositions shall take place in person at the
27 law firm of LYNBERG & WATKINS, A Professional Corporation, 1100 W. Town
28 & Country Road, Suite 1450, Orange, California 92868, (714) 937-1010.

Layla Ibarra Cadena (L.C.) December 20, 2024 at 10:00 a.m.

Isaiah Jessie Hernandez (I.H.) December 20, 2024 at 1:00 p.m.

Allyson Maria Lopez (A.L.) December 20, 2024 at 2:30 p.m.

If any deposition is not completed on the specified date, the deposition will be continued from day-to-day thereafter at the same place, weekends and holidays excepted, until completed and to the extent permitted under the Federal Rules of Civil Procedure.

The noticing party may additionally cause the depositions to be digitally recorded. Fed. R. Civ. P. 30(B)(3)(A). The audio-visual recording may be used at trial. Fed. R. Civ. P. 32(a).


If any deponent requires the service of an interpreter, the Plaintiffs' attorney must advise the undersigned, in writing, no later than five (5) days before the date set for the deposition, of the need for an interpreter and the language or dialect needed.

The undersigned will to meet and confer with counsel to reschedule the depositions if the date and times listed above are not convenient for counsel or the Plaintiff and to set reasonable parameters, including time limits, for the depositions of the minor Plaintiffs.

Dated: December 4, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
NORMAN D. MORRISON
Supervising Deputy Attorney General


DIANA ESQUIVEL
Deputy Attorney General
*Attorneys for Defendants State,
Blackwood, Kee, and Rubalcava*

LA2022603031
38590776.docx

DECLARATION OF SERVICE BY ELECTRONIC MAIL

Name: *L.C., et al. v. State of California, et al.*
No.: 5:22-cv-00949 KK-SHKx

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **December 4, 2024**, I served the attached

NOTICE OF TAKING DEPOSITIONS OF PLAINTIFFS A.L., I.H., and L.C.

by transmitting a true copy thereof in PDF format by electronic mail to the following:

Dale K. Galipo, Esq. Hang D. Le, Esq. LAW OFFICES OF DALE K. GALIPO 21800 Burbank Blvd., Ste. 310 Woodland Hills, CA 91367 Tel: (818) 347-3333 Fax: (818) 347-4118 Email: dalekgalipo@yahoo.com hlee@galipolaw.com <i>Attorneys for Plaintiffs</i>	Shannon L. Gustafson, Esq. Amy R. Margolies, Esq. LYNBERG & WATKINS 1100 Town & Country Road, Ste. 1450 Orange, CA 92868 Tel: (714) 937-1010 Fax: (714) 937-1003 Email: sgustafson@lynberg.com amargolies@lynberg.com <i>Attorneys for Defendant County of San Bernardino, Adams, and Vaccari</i>
---	--

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct, and that this declaration was executed on December 4, 2024, at Sacramento, California.

Diana Esquivel
Declarant

Diana Esquivel
Signature

Exhibit I

LAW OFFICES OF DALE K. GALIPO

Dale K. Galipo, Esq. (Bar No. 144074)
dalekgalipo@yahoo.com
Hang D. Le, Esq. (Bar No. 293450)
hlee@galipolaw.com
21800 Burbank Boulevard, Suite 310
Woodland Hills, California, 91367
Telephone: (818) 347-3333
Facsimile: (818) 347-4118

Attorneys for Plaintiffs
L.C., I.H., A.L., and
ANTONIA SALAS UBALDO

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

L.C., a minor by and through her
guardian *ad litem* Maria Cadena,
individually and as successor-in-interest
to Hector Puga; I.H., a minor by and
through his guardian *ad litem* Jasmine
Hernandez, individually and as
successor-in-interest to Hector Puga;
A.L., a minor by and through her
guardian *ad litem* Lydia Lopez,
individually and as successor-in-interest
to Hector Puga; and ANTONIA
SALAS UBALDO, individually;

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY
OF SAN BERNARDINO; S.S.C., a
nominal defendant; ISIAH KEE;
MICHAEL BLACKWOOD;
BERNARDO RUBALCAVA;
ROBERT VACCARI; JAKE ADAMS;
and DOES 6-10, inclusive,

Defendants.

Case No. 5:22-cv-00949-KK-SHK

[Consolidated for purposes of discovery
with *Botten, et al. v. State of California,*
et al., Case No. 5:23-cv-00257-KK-
SHK]

Honorable Kenly Kiya Kato
Mag. Judge Shashi H. Kewalramani

**PLAINTIFFS' OBJECTIONS TO
DEFENDANT STATE OF
CALIFORNIA'S NOTICE OF
TAKING DEPOSITION OF
PLAINTIFFS A.L., I.H., AND L.C.**

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Plaintiffs L.C., by and through her guardian *ad litem* Maria Cadena, I.H., by
3 and through his guardian *ad litem* Jasmine Hernandez, A.L., by and through her
4 guardian *ad litem* Lidia Lopez, and Antonia Salas Ubaldo hereby object to Defendant
5 State of California's Notice of Taking Depositions of Plaintiffs A.L., I.H., and L.C. as
6 follows:

7 1. The depositions of A.L., I.H., and L.C. would result in more than ten
8 depositions being taken under Rule 30(a)(2)(A) by Defendants and Defendants have
9 not obtained leave of court to exceed the ten-deposition limit.

10 2. The depositions of A.L., I.H., and L.C. are unreasonably cumulative and
11 duplicative of their guardian's deposition testimony and information regarding A.L.,
12 I.H. and L.C.'s damages are available from other more reasonable, convenient,
13 competent, and reliable sources.

14 3. Due to their age, A.L., I.H., and L.C. are not competent to sit for
15 depositions and their testimonies would not be reliable.

16 4. The depositions will cause A.L., I.H., and L.C. "annoyance,
17 embarrassment, oppression, or undue burden." *See* Fed. R. Civ. P. 26(c).

18 5. The depositions were unilaterally set without confirmation from
19 Plaintiffs and Plaintiffs' counsel.

20 Accordingly, Plaintiffs will not produce deponents on the date and time
21 noticed. Subject to a court order granting Defendants leave to exceed the ten-
22 deposition limit under Rule 30(a)(2)(A) and compelling Plaintiffs to produce the
23 minor plaintiffs with reasonable parameters, including time limits, Plaintiffs' counsel
24 will meet and confer on a mutually agreeable date and time for the depositions.

25 //

26 //

27 //

28 //

1 DATED: December 6, 2024

LAW OFFICES OF DALE K. GALIPO

2
3
4 By /s/ *Hang D. Le*

Dale K. Galipo

5 Hang D, Le

6 Attorneys for Plaintiffs
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Exhibit J

From: [Hang Le](#)
To: [Amy R. Margolies](#); [Diana Esquivel](#)
Subject: RE: Botten state discovery
Date: Monday, October 30, 2023 3:37:20 PM
Attachments: [image001.png](#)

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Good afternoon Ms. Margolies,

I'm not quite sure on exactly what it means for the discovery to be applicable and binding. Are you proposing that all of defendants' objections and any related discovery disputes in the Botten state case also carry over onto the federal case? While we're fine with stipulating to using all discovery materials already propounded by defendants and produced by plaintiffs in the state case, we would not be agreeable to defendants' objections to plaintiffs' propounded discovery and discovery disputes or time limit on challenging those objections be binding in the federal case, especially given that those objections arose primarily out of the different discovery standards between state and federal court and the lack of an agreed-upon protective order which are no longer applicable now that both Puga and Botten are in federal court.

Best,
Hang

Hang D. Le, Esq. | **Law Offices of Dale K. Galipo** | 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367 | Office: +1.818.347.3333 | Fax: +1.818.347.4118 | Email: hlee@galipolaw.com

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From: Amy R. Margolies <amargolies@lynberg.com>
Sent: Sunday, October 29, 2023 10:22 PM
To: Diana Esquivel <Diana.Esquivel@doj.ca.gov>; Hang Le <hlee@galipolaw.com>
Subject: RE: Botten state discovery

Ms. Le,

Is Plaintiff agreeable to the Botten state discovery being applicable to and binding in the Botten federal action?

Thank you,

AMY R. MARGOLIES

Off: 714-937-1010

Fax: 714-937-1003

LYNBERG & WATKINS

1100 W. Town & Country Rd., Suite 1450

Orange, California 92868

www.lynberg.com

www.linkedin.com

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From: Diana Esquivel <Diana.Esquivel@doj.ca.gov>

Sent: Tuesday, October 10, 2023 4:00 AM

To: Amy R. Margolies <amargolies@lynberg.com>; Hang Le <hlee@galipolaw.com>

Subject: RE: Botten state discovery

CAUTION: This email originated from outside of Lynberg & Watkins. Do not click any links or open any attachments unless you recognize the sender, verified the email address and know the content is safe.

I'm agreeable to the state discovery being applicable to and binding in the federal action.

Thanks,

-Diana

Diana Esquivel

Deputy Attorney General

TORT & CONDEMNATION SECTION

Office of the Attorney General

Tel: (916) 210-7320

Fax: (916) 322-8288

Email: Diana.Esquivel@doj.ca.gov

From: Amy R. Margolies <amargolies@lynberg.com>

Sent: Monday, October 9, 2023 1:15 PM

To: Hang Le <hlee@galipolaw.com>; Diana Esquivel <Diana.Esquivel@doj.ca.gov>

Subject: Botten state discovery

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Counsels,

While Plaintiff has agreed to dismiss the Botten state court case pending discovery in the related federal matters, because discovery has already been initiated and exchanged in the Botten state matter, County Defendants would propose a stipulation to use the Botten state discovery in Botten

federal, so that we do not need to duplicate work.

Please advise and we can prepare a stipulation accordingly.

Thank you,

AMY R. MARGOLIES

Off: 714-937-1010 Fax: 714-937-1003

LYNBERG & WATKINS

1100 W. Town & Country Rd., Suite 1450
Orange, California 92868

www.lynberg.com www.linkedin.com

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Exhibit K

LAW OFFICES OF DALE K. GALIPO

Dale K. Galipo, Esq. (Bar No. 144074)

dalekgalipo@yahoo.com

Hang D. Le, Esq. (Bar No. 293450)

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21800 Burbank Boulevard, Suite 310

Woodland Hills, California, 91367

Telephone: (818) 347-3333

Facsimile: (818) 347-4118

Attorneys for Plaintiffs

JONATHAN WAYNE BOTTEN, SR.,

TANJA DUDEK-BOTTEN, ANNABELLE BOTTEN,

AND J.B.

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN WAYNE BOTTEN, SR.;

TANJA DUDEK-BOTTEN;

ANNABELLE BOTTEN; and J.B., a

minor, by and through his guardian

JONATHAN WAYNE BOTTEN, SR.,

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY

OF SAN BERNARDINO; ISAIAH

KEE; MICHAEL BLACKWOOD;

BERNARDO RUBALCAVA; ROBERT

VACCARI; JAKE ADAMS; and DOES

1-10, inclusive,

Defendants.

Case No. 5:23-cv-00257-JGB-SHK

Honorable Jesus G. Bernal

**PLAINTIFFS' RULE 26(f) INITIAL
DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26, Plaintiffs JONATHAN WAYNE BOTTEN, SR.; TANJA DUDEK-BOTTEN; ANNABELLE BOTTEN; and J.B., a minor, by and through his guardian JONATHAN WAYNE BOTTEN, SR., hereby makes the following initial disclosures of witnesses, documents, and damages known at this time.

I. WITNESSES

Based on the information currently known to Plaintiffs, the following persons have knowledge of facts that Plaintiffs may use to support their material allegations. The subjects of information specified are those of which Plaintiffs are currently aware of or Plaintiffs reasonably believe are within the knowledge of the identified individuals.

<u>Name</u>	<u>Contact Information</u>	<u>Subject Matter(s)</u>
1. Jonathan Wayne Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.
2. Tanja Dudek-Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.
3. Annabelle Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.

1	4. J.B. through his guardian Jonathan Wayne Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.
2			
3			
4			
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6	5. Isaiah Kee	c/o Defense counsel for State	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit.
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10	6. Michael Blackwood	c/o Defense counsel for State	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit.
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14	7. Bernardo Rubalcava	c/o Defense counsel for State	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit.
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18	8. Robert Vaccari	c/o Defense counsel for County	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit.
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22	9. Jake Adams	c/o Defense counsel for County	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit.
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26	10. Joseph Edward Fergusson, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her
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		injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
11.Jon Boyd Roper, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
12.Heather Marie Tassone, D.O.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
13.Shannon Kiang, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
14.Bailey Ann Wentworth, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
15.Nicole Depolo, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
16.Daniel Paul Srikureja, M.D.	Loma Linda University Health, 11234 Anderson	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff

	St., Loma Linda, CA 92345; (909) 558-4000.	J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
17. Andrew James Davis, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
18. Amanda MacQuoid, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
19. Gregory James Jutzy, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
20. Katherine Sigrid Burruss, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
21. Unidentified EMT/Paramedics who responded to the scene	Information unknown at this time	Plaintiffs Botten, Sr, Dudek-Botten, and J.B.'s injuries and medical treatment at the scene and en route to the hospital, medical expenses, and any information given to them regarding the circumstances of the detention and use of force.
22. Unidentified law enforcement officers who responded to the scene	Information unknown at this time	The facts and circumstances relating to the officer-involved shooting, which occurred on February 17,

1		2021 and is the subject of this
2		lawsuit.
3	23. Other persons	
4	whose identities	
5	appear in the	
6	reports disclosed	
7	(see below) are	
8	incorporated by	
	reference as though	
	specifically	
	identified	

9
10 Plaintiffs' investigation of this matter is not yet complete and Plaintiffs have not
11 concluded discovery in this matter. Plaintiffs reserve the right to identify additional
12 individuals with such knowledge as such persons become known to Plaintiffs, or the
13 information they possess becomes relevant to the claims or defenses or any party,
14 pursuant to Rule 26(e).

15 **II. DOCUMENTS**

16 Plaintiffs identify the following documents or categories of documents that
17 they may use to support their material claims and defenses:

- 18 1. Medical records and billing for Jonathan Wayne Botten, Sr.;
- 19 2. Medical records and billing for Tanja Dudek-Botten;
- 20 3. Medical records and billing for J.B.;
- 21 4. San Bernardino County Sheriff's Department Lethal Force Encounter
22 Investigation;
- 23 5. California Highway Patrol Critical Incident Report;
- 24 6. Witness videos of the incident;
- 25 7. Photographs of the incident scene;
- 26 8. Photographs of Plaintiffs Jonathan Wayne Botten, Sr., Tanja Dudek-Botten,
27 and J.B.'s injuries.

28 Plaintiffs' investigation of this matter is not yet complete and Plaintiffs have not

1 concluded their discovery in this matter. Plaintiffs reserve the right to identify
2 additional categories of documents as they become known to Plaintiffs or they
3 become relevant to the claims or defenses of any party, pursuant to Rule 26(e).
4 Plaintiffs further incorporate by reference all documents listed in Defendants' Initial
5 Disclosures.

6 **III. DAMAGES**

7 Plaintiffs seek general and special compensatory damages, including but not
8 limited to:

- 9 1. Compensatory damages;
- 10 2. Medical expenses;
- 11 3. Loss of earning capacity;
- 12 4. Lost wages;
- 13 5. Emotional distress damages;
- 14 6. Attorneys' fees;
- 15 7. Punitive damages against individual defendants;
- 16 8. Costs;
- 17 9. Treble damages under the Bane Act.

18 Plaintiffs' investigation of this matter is not yet complete and Plaintiffs have not
19 concluded discovery in this matter. Plaintiffs reserve the right to supplement or
20 amend their prayer for relief and nature and scope of damages, pursuant to Rule
21 26(c). Plaintiffs further reserve the right to supplement and/or amend their Rule 26
22 Disclosures as additional information becomes available, through discovery or
23 otherwise.

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1 DATED: January 19, 2024

LAW OFFICES OF DALE K. GALIPO

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3 Bv


4 Dale K. Galipo
5 Hang D. Le
6 Attorneys for Plaintiffs
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, am employed in the County of Los Angeles, State of California and am over the age of eighteen years and not a party to the within action. My business address is 21800 Burbank Boulevard, Suite 310, Woodland Hills, California 91367.

On January 19, 2024, I served the foregoing document described as: **PLAINTIFFS' RULE 26(f) INITIAL DISCLOSURES** on all interested parties, through their respective attorneys of record in this action by placing a true copy thereof enclosed in a sealed envelope addressed as indicated on the attached service list.

METHOD OF SERVICE

☐ **(BY MAIL)** I caused such envelope(s) fully prepaid to be placed in the United States mail at Woodland Hills, California. I am "readily familiar" with the firm's practice of collection and processing correspondence or mailing. Under that practice, it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Woodland Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **(BY ELECTRONIC SERVICE)** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above.

JURISDICTION

☐ (State) I declare under penalty of perjury that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 19, 2024, at Woodland Hills, California.


Karen Slyapich

SERVICE LIST

Shannon L. Gustafson
Amy R. Margolies
LYNBERG & WATKINS
1100 W. Town & Country Road, Suite #1450
Orange, California 92868
Email: Sgustafson@lynberg.com
Amargolies@lynberg.com

Attorneys for Defendants

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Deputy Attorney General
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Sacramento, CA 94244-2550
E-mail: Diana.Esquivel@doj.ca.gov

Attorneys for Defendants State of California, by and through
the California Highway Patrol

Exhibit L

LAW OFFICES OF DALE K. GALIPO

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Hang D. Le, Esq. (Bar No. 293450)

hlee@galipolaw.com

21800 Burbank Boulevard, Suite 310

Woodland Hills, California, 91367

Telephone: (818) 347-3333

Facsimile: (818) 347-4118

Attorneys for Plaintiffs

JONATHAN WAYNE BOTTEN, SR.,

TANJA DUDEK-BOTTEN, ANNABELLE BOTTEN,

AND J.B.

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN WAYNE BOTTEN, SR.;

TANJA DUDEK-BOTTEN;

ANNABELLE BOTTEN; and J.B., a

minor, by and through his guardian

JONATHAN WAYNE BOTTEN, SR.,

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY

OF SAN BERNARDINO; ISAIAH

KEE; MICHAEL BLACKWOOD;

BERNARDO RUBALCAVA; ROBERT

VACCARI; JAKE ADAMS; and DOES

1-10, inclusive,

Defendants.

Case No. 5:23-cv-00257-JGB-SHK

Honorable Jesus G. Bernal

**PLAINTIFFS' SUPPLEMENTAL
RULE 26(f) DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26, Plaintiffs JONATHAN WAYNE BOTTEN, SR.; TANJA DUDEK-BOTTEN; ANNABELLE BOTTEN; and J.B., a minor, by and through his guardian JONATHAN WAYNE BOTTEN, SR., hereby makes the following initial disclosures of witnesses, documents, and damages known at this time.

I. WITNESSES

Based on the information currently known to Plaintiffs, the following persons have knowledge of facts that Plaintiffs may use to support their material allegations. The subjects of information specified are those of which Plaintiffs are currently aware of or Plaintiffs reasonably believe are within the knowledge of the identified individuals.

<u>Name</u>	<u>Contact Information</u>	<u>Subject Matter(s)</u>
1. Jonathan Wayne Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.
2. Tanja Dudek-Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.
3. Annabelle Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.

1	4. J.B. through his guardian Jonathan Wayne Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.
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6	5. Isaiah Kee	c/o Defense counsel for State	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit.
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18	8. Robert Vaccari	c/o Defense counsel for County	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit.
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22	9. Jake Adams	c/o Defense counsel for County	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit.
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26	10. Joseph Edward Fergusson, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her
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		injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
11.Jon Boyd Roper, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
12.Heather Marie Tassone, D.O.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
13.Shannon Kiang, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
14.Bailey Ann Wentworth, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
15.Nicole Depolo, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
16.Daniel Paul Srikureja, M.D.	Loma Linda University Health, 11234 Anderson	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff

	St., Loma Linda, CA 92345; (909) 558-4000.	J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
17. Andrew James Davis, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
18. Amanda MacQuoid, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
19. Gregory James Jutzy, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
20. Katherine Sigrid Burruss, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
21. Unidentified EMT/Paramedics who responded to the scene	Information unknown at this time	Plaintiffs Botten, Sr, Dudek-Botten, and J.B.'s injuries and medical treatment at the scene and en route to the hospital, medical expenses, and any information given to them regarding the circumstances of the detention and use of force.
22. Unidentified law enforcement officers who responded to the scene	Information unknown at this time	The facts and circumstances relating to the officer-involved shooting, which occurred on February 17,

1		2021 and is the subject of this
2		lawsuit.
3	23. Other persons	
4	whose identities	
5	appear in the	
6	reports disclosed	
7	(see below) are	
8	incorporated by	
	reference as though	
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10 Plaintiffs' investigation of this matter is not yet complete and Plaintiffs have not
11 concluded discovery in this matter. Plaintiffs reserve the right to identify additional
12 individuals with such knowledge as such persons become known to Plaintiffs, or the
13 information they possess becomes relevant to the claims or defenses or any party,
14 pursuant to Rule 26(e).

15 **II. DOCUMENTS**

16 Plaintiffs identify the following documents or categories of documents that
17 they may use to support their material claims and defenses:

- 18 1. Medical records and billing for Jonathan Wayne Botten, Sr.;
- 19 2. Medical records and billing for Tanja Dudek-Botten;
- 20 3. Medical records and billing for J.B.;
- 21 4. San Bernardino County Sheriff's Department Lethal Force Encounter
22 Investigation;
- 23 5. California Highway Patrol Critical Incident Report;
- 24 6. Witness videos of the incident;
- 25 7. Photographs of the incident scene;
- 26 8. Photographs of Plaintiffs Jonathan Wayne Botten, Sr., Tanja Dudek-Botten,
27 and J.B.'s injuries.

28 Plaintiffs' investigation of this matter is not yet complete and Plaintiffs have not

1 concluded their discovery in this matter. Plaintiffs reserve the right to identify
2 additional categories of documents as they become known to Plaintiffs or they
3 become relevant to the claims or defenses of any party, pursuant to Rule 26(e).
4 Plaintiffs further incorporate by reference all documents listed in Defendants' Initial
5 Disclosures.

6 **III. DAMAGES**

7 Plaintiffs seek general and special compensatory damages, including but not
8 limited to:

9 1. Compensatory damages:

- 10 a. Jonathan Wayne Botten, Sr. – In excess of \$15,000 in past and future
11 medical expenses. Based on the current information Plaintiff has,
12 Plaintiff currently has medical expenses totaling approximately \$1,500.
13 This is calculated based on the liens issued on behalf of Desert Valley
14 Medical Group. Plaintiff anticipates that he has additional outstanding
15 bills. Plaintiff estimates that he will incur approximately \$5,000-
16 \$10,000 in additional medical expenses. This is calculated based on his
17 current problems with his right arm and estimate of the physical
18 therapy needed to help rehabilitate his arm. Plaintiff Botten Sr. further
19 estimates that he incurred approximately \$700 in gas and lodging
20 expenses during the week he had to spend with his son, J.B., while J.B.
21 was in a hospital in Loma Linda.
- 22 b. Tanja Dudek-Botten – In excess of \$1.1 million in past and future
23 medical expenses. Based on the current information available to
24 Plaintiff, Plaintiff seeks approximately \$100,000 in damages for
25 medical expenses. This amount was calculated based on the medical
26 bills currently available to Plaintiff. Plaintiff seeks in excess of \$1
27 million in future medical expenses. Plaintiff currently cannot see well
28 out of her left eye and has a hard time hearing out of her left ear.

1 Additionally, there is still a big piece of metal in her rotary cuff.

2 Plaintiff anticipates that further treatment and/or accommodations for
3 her ongoing injuries will exceed \$1 million.

4 c. J.B. – In excess of \$500,000 in past and future medical expenses.

5 Plaintiff is currently seeking approximately \$500,000 in damages for
6 medical expenses. This amount was calculated by totaling up all the
7 medical bills Plaintiff has incurred as a result of the Incident.

8 2. Medical expenses:

9 a. Jonathan Wayne Botten, Sr. – Approximately \$15,000. Based on the
10 current information Plaintiff has, Plaintiff currently has medical
11 expenses totaling approximately \$1,500. This is calculated based on the
12 liens issued on behalf of Desert Valley Medical Group. Plaintiff
13 anticipates that he has additional outstanding bills that approximately
14 total \$3,500. Plaintiff estimates that he will incur approximately
15 \$5,000-\$10,000 in additional medical expenses. This is calculated
16 based on his current problems with his right arm and estimate of the
17 physical therapy needed to help rehabilitate his arm.

18 b. Tanja Dudek-Botten – In excess of \$1.1 million in past and future
19 medical expenses. Based on the current information available to
20 Plaintiff, Plaintiff seeks approximately \$100,000 in damages for
21 medical expenses. This amount was calculated based on the medical
22 bills currently available to Plaintiff. Plaintiff seeks in excess of \$1
23 million in future medical expenses. Plaintiff currently cannot see well
24 out of her left eye and has a hard time hearing out of her left ear.
25 Additionally, there is still a big piece of metal in her rotary cuff.
26 Plaintiff anticipates that further treatment and/or accommodations for
27 her ongoing injuries will exceed \$1 million.

28 c. J.B. – In excess of \$500,000 in past and future medical expenses.

Plaintiff is currently seeking approximately \$500,000 in damages for medical expenses. This amount was calculated by totaling up all the medical bills Plaintiff has incurred as a result of the Incident.

3. Lost wages – Plaintiff Jonathan Wayne Botten Sr. seeks approximately \$4,300 in lost wages as a result of missing work for one month after the incident. This is calculated based on his biweekly salary of approximately \$2,100-\$2,200.

4. Emotional distress damages;

5. Attorneys' fees;

6. Punitive damages against individual defendants;

7. Costs;

8. Treble damages under the Bane Act.

Plaintiffs' investigation of this matter is not yet complete and Plaintiffs have not concluded discovery in this matter. Plaintiffs reserve the right to supplement or amend their prayer for relief and nature and scope of damages, pursuant to Rule 26(c). Plaintiffs further reserve the right to supplement and/or amend their Rule 26 Disclosures as additional information becomes available, through discovery or otherwise.

DATED: January 19, 2024

LAW OFFICES OF DALE K. GALIPO

Bv


Dale K. Galipo
Hang D. Le
Attorneys for Plaintiffs

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, am employed in the County of Los Angeles, State of California and am over the age of eighteen years and not a party to the within action. My business address is 21800 Burbank Boulevard, Suite 310, Woodland Hills, California 91367.

On January 29, 2024, I served the foregoing document described as: **PLAINTIFFS' SUPPLEMENTAL RULE 26(f) INITIAL DISCLOSURES** on all interested parties, through their respective attorneys of record in this action by placing a true copy thereof enclosed in a sealed envelope addressed as indicated on the attached service list.

METHOD OF SERVICE

☐ **(BY MAIL)** I caused such envelope(s) fully prepaid to be placed in the United States mail at Woodland Hills, California. I am "readily familiar" with the firm's practice of collection and processing correspondence or mailing. Under that practice, it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Woodland Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **(BY ELECTRONIC SERVICE)** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above.

JURISDICTION

☐ (State) I declare under penalty of perjury that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 29, 2024, at Woodland Hills, California.


Karen Slyapich

SERVICE LIST

Shannon L. Gustafson
Amy R. Margolies
LYNBERG & WATKINS
1100 W. Town & Country Road, Suite #1450
Orange, California 92868
Email: Sgustafson@lynberg.com
Amargolies@lynberg.com

Attorneys for Defendants

Diana Esquivel
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
E-mail: Diana.Esquivel@doj.ca.gov

Attorneys for Defendants State of California, by and through
the California Highway Patrol

Exhibit M

LAW OFFICES OF DALE K. GALIPO

Dale K. Galipo, Esq. (Bar No. 144074)

dalekgalipo@yahoo.com

Hang D. Le, Esq. (Bar No. 293450)

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21800 Burbank Boulevard, Suite 310

Woodland Hills, California, 91367

Telephone: (818) 347-3333

Facsimile: (818) 347-4118

Attorneys for Plaintiffs

JONATHAN WAYNE BOTTEN, SR.,

TANJA DUDEK-BOTTEN, ANNABELLE BOTTEN,

AND J.B.

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN WAYNE BOTTEN, SR.;

TANJA DUDEK-BOTTEN;

ANNABELLE BOTTEN; and J.B., a

minor, by and through his guardian

JONATHAN WAYNE BOTTEN, SR.,

Plaintiffs,

vs.

STATE OF CALIFORNIA; COUNTY

OF SAN BERNARDINO; ISAIAH

KEE; MICHAEL BLACKWOOD;

BERNARDO RUBALCAVA; ROBERT

VACCARI; JAKE ADAMS; and DOES

1-10, inclusive,

Defendants.

Case No. 5:23-cv-00257-KK-SHK

Honorable Kenly Kiya Kato

**PLAINTIFFS' SECOND
SUPPLEMENTAL RULE 26(f)
DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26, Plaintiffs JONATHAN WAYNE BOTTEN, SR.; TANJA DUDEK-BOTTEN; ANNABELLE BOTTEN; and J.B., a minor, by and through his guardian JONATHAN WAYNE BOTTEN, SR., hereby makes the following supplemental disclosures of witnesses, documents, and damages known at this time.

I. WITNESSES

Based on the information currently known to Plaintiffs, the following persons have knowledge of facts that Plaintiffs may use to support their material allegations. The subjects of information specified are those of which Plaintiffs are currently aware of or Plaintiffs reasonably believe are within the knowledge of the identified individuals.

<u>Name</u>	<u>Contact Information</u>	<u>Subject Matter(s)</u>
1. Jonathan Wayne Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.
2. Tanja Dudek-Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.
3. Annabelle Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.

1	4. J.B. through his guardian Jonathan Wayne Botten	c/o Plaintiffs' counsel	The facts and circumstances relating to the officer-involved shooting of Decedent, which occurred on February 17, 2021 and is the subject of this lawsuit; damages.
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26	10. Joseph Edward Fergusson, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her
27			
28			

		injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
11.Jon Boyd Roper, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
12.Heather Marie Tassone, D.O.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
13.Shannon Kiang, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
14.Bailey Ann Wentworth, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
15.Nicole Depolo, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff Dudek-Botten's injuries, medical treatment and care that was provided to Plaintiff Dudek-Botten for her injuries, any prognosis regarding Plaintiff Dudek-Botten's injuries; damages.
16.Daniel Paul Srikureja, M.D.	Loma Linda University Health, 11234 Anderson	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff

	St., Loma Linda, CA 92345; (909) 558-4000.	J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
17. Andrew James Davis, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
18. Amanda MacQuoid, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
19. Gregory James Jutzy, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
20. Katherine Sigrid Burruss, M.D.	Loma Linda University Health, 11234 Anderson St., Loma Linda, CA 92345; (909) 558-4000.	Plaintiff J.B.'s injuries, medical treatment and care that was provided to Plaintiff J.B. for his injuries, any prognosis regarding Plaintiff J.B.'s injuries; damages.
21. Unidentified EMT/Paramedics who responded to the scene	Information unknown at this time	Plaintiffs Botten, Sr, Dudek-Botten, and J.B.'s injuries and medical treatment at the scene and en route to the hospital, medical expenses, and any information given to them regarding the circumstances of the detention and use of force.
22. Unidentified law enforcement officers who responded to the scene	Information unknown at this time	The facts and circumstances relating to the officer-involved shooting, which occurred on February 17,

1		2021 and is the subject of this lawsuit.
2		
3	23. Other persons whose identities appear in the reports disclosed (see below) are incorporated by reference as though specifically identified	
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9 Plaintiffs' investigation of this matter is not yet complete and Plaintiffs have not
10 concluded discovery in this matter. Plaintiffs reserve the right to identify additional
11 individuals with such knowledge as such persons become known to Plaintiffs, or the
12 information they possess becomes relevant to the claims or defenses or any party,
13 pursuant to Rule 26(e).

14 **II. DOCUMENTS**

15 Plaintiffs identify the following documents or categories of documents that
16 they may use to support their material claims and defenses:

- 17 1. Medical records and billing for Jonathan Wayne Botten, Sr.;
- 18 2. Medical records and billing for Tanja Dudek-Botten;
- 19 3. Medical records and billing for J.B.;
- 20 4. San Bernardino County Sheriff's Department Lethal Force Encounter
21 Investigation;
- 22 5. California Highway Patrol Critical Incident Report;
- 23 6. Witness videos of the incident;
- 24 7. Photographs of the incident scene;
- 25 8. Photographs of Plaintiffs Jonathan Wayne Botten, Sr., Tanja Dudek-Botten,
26 and J.B.'s injuries.
- 27 9. **Counseling Attendance/Treatment Summary for Annabelle Botten;**
- 28

10. **Additional medical billing for Jonathan Wayne Botten, Sr.;**
11. **Additional photographs of J.B.'s injuries;**
12. **Photograph of metal fragments extracted from Tanja Dudek-Botten's wounds;**
13. **Additional witness video of the incident.**

Plaintiffs' investigation of this matter is not yet complete and Plaintiffs have not concluded their discovery in this matter. Plaintiffs reserve the right to identify additional categories of documents as they become known to Plaintiffs or they become relevant to the claims or defenses of any party, pursuant to Rule 26(e). Plaintiffs further incorporate by reference all documents listed in Defendants' Initial Disclosures.

III. DAMAGES

Plaintiffs seek general and special compensatory damages, including but not limited to:

1. Compensatory damages:

- a. Jonathan Wayne Botten, Sr. – In excess of \$15,000 in past and future medical expenses. Based on the current information Plaintiff has, Plaintiff currently has medical expenses totaling approximately \$1,500. This is calculated based on the liens issued on behalf of Desert Valley Medical Group. Plaintiff anticipates that he has additional outstanding bills. Plaintiff estimates that he will incur approximately \$5,000-\$10,000 in additional medical expenses. This is calculated based on his current problems with his right arm and estimate of the physical therapy needed to help rehabilitate his arm. Plaintiff Botten Sr. further estimates that he incurred approximately \$700 in gas and lodging expenses during the week he had to spend with his son, J.B., while J.B. was in a hospital in Loma Linda.
- b. Tanja Dudek-Botten – In excess of \$1.1 million in past and future

1 medical expenses. Based on the current information available to
2 Plaintiff, Plaintiff seeks approximately \$100,000 in damages for
3 medical expenses. This amount was calculated based on the medical
4 bills currently available to Plaintiff. Plaintiff seeks in excess of \$1
5 million in future medical expenses. Plaintiff currently cannot see well
6 out of her left eye and has a hard time hearing out of her left ear.
7 Additionally, there is still a big piece of metal in her rotary cuff.
8 Plaintiff anticipates that further treatment and/or accommodations for
9 her ongoing injuries will exceed \$1 million.

10 c. J.B. – In excess of \$500,000 in past and future medical expenses.
11 Plaintiff is currently seeking approximately \$500,000 in damages for
12 medical expenses. This amount was calculated by totaling up all the
13 medical bills Plaintiff has incurred as a result of the Incident.

14 2. Medical expenses:

15 a. Jonathan Wayne Botten, Sr. – Approximately \$15,000. Based on the
16 current information Plaintiff has, Plaintiff currently has medical
17 expenses totaling approximately \$1,500. This is calculated based on the
18 liens issued on behalf of Desert Valley Medical Group. Plaintiff
19 anticipates that he has additional outstanding bills that approximately
20 total \$3,500. Plaintiff estimates that he will incur approximately
21 \$5,000-\$10,000 in additional medical expenses. This is calculated
22 based on his current problems with his right arm and estimate of the
23 physical therapy needed to help rehabilitate his arm.

24 b. Tanja Dudek-Botten – In excess of \$1.1 million in past and future
25 medical expenses. Based on the current information available to
26 Plaintiff, Plaintiff seeks approximately \$100,000 in damages for
27 medical expenses. This amount was calculated based on the medical
28 bills currently available to Plaintiff. Plaintiff seeks in excess of \$1

1 million in future medical expenses. Plaintiff currently cannot see well
2 out of her left eye and has a hard time hearing out of her left ear.
3 Additionally, there is still a big piece of metal in her rotary cuff.
4 Plaintiff anticipates that further treatment and/or accommodations for
5 her ongoing injuries will exceed \$1 million.

6 c. J.B. – In excess of \$500,000 in past and future medical expenses.

7 Plaintiff is currently seeking approximately \$500,000 in damages for
8 medical expenses. This amount was calculated by totaling up all the
9 medical bills Plaintiff has incurred as a result of the Incident.

10 3. Lost wages – Plaintiff Jonathan Wayne Botten Sr. seeks approximately
11 \$4,300 in lost wages as a result of missing work for one month after the
12 incident. This is calculated based on his biweekly salary of approximately
13 \$2,100-\$2,200.

14 4. Emotional distress damages;

15 5. Attorneys' fees;

16 6. Punitive damages against individual defendants;

17 7. Costs;

18 8. Treble damages under the Bane Act.

19 Plaintiffs' investigation of this matter is not yet complete and Plaintiffs have not
20 concluded discovery in this matter. Plaintiffs reserve the right to supplement or
21 amend their prayer for relief and nature and scope of damages, pursuant to Rule
22 26(c). Plaintiffs further reserve the right to supplement and/or amend their Rule 26
23 Disclosures as additional information becomes available, through discovery or
24 otherwise.

25 //

26 //


27 //

28 //

1 DATED: December 23, 2024

LAW OFFICES OF DALE K. GALIPO

2
3 Bv


4 Dale K. Galipo
5 Hang D. Le
6 Attorneys for Plaintiffs
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, am employed in the County of Los Angeles, State of California and am over the age of eighteen years and not a party to the within action. My business address is 21800 Burbank Boulevard, Suite 310, Woodland Hills, California 91367.

On December 23, 2024, I served the foregoing document described as: **PLAINTIFFS' SECOND SUPPLEMENTAL RULE 26(f) INITIAL DISCLOSURES** on all interested parties, through their respective attorneys of record in this action by placing a true copy thereof enclosed in a sealed envelope addressed as indicated on the attached service list.

METHOD OF SERVICE



(BY MAIL) I caused such envelope(s) fully prepaid to be placed in the United States mail at Woodland Hills, California. I am "readily familiar" with the firm's practice of collection and processing correspondence or mailing. Under that practice, it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Woodland Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.



(BY ELECTRONIC SERVICE) Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed above.

JURISDICTION



(State) I declare under penalty of perjury that the above is true and correct.



(Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 23, 2024, at Woodland Hills, California.



Santiago G. Laurel

SERVICE LIST

Shannon L. Gustafson
Amy R. Margolies
LYNBERG & WATKINS
1100 W. Town & Country Road, Suite #1450
Orange, California 92868
Email: Sgustafson@lynberg.com
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Attorneys for Defendants

Diana Esquivel
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
E-mail: Diana.Esquivel@doj.ca.gov

*Attorneys for Defendants State of California, by and through
the California Highway Patrol*

Exhibit N

Mangerino, Erin
L.C. v. State of California

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

L.C. a minor by and through)
her guardian ad litem Maria)
Cadena, individually and as)
successor-in-interest to)
Hector Puga; I.H., a minor by))
and through his guardian ad)
litem Jasmine Hernandez,)
individually and as)
successor-in-interest to) CASE NO. 5:22-cv-00949-KK
Hector Puga; A.L., a minor by) (SHKx)
and through her guardian ad)
litem Lydia Lopez,)
individually and as)
successor-in-interest to)
Hector Puga; and ANTONIA)
SALAS UBALDO, individually,)
)
Plaintiffs,)
)
vs.) ORAL AND VIDEOTAPED
) DEPOSITION OF
) ERIN MANGERINO
)
STATE OF CALIFORNIA; COUNTY) VIA WEB VIDEOCONFERENCE
OF SAN BERNARDINO; S.S.C., a) MONDAY, NOVEMBER 25, 2024
nominal defendant; ISIAIAH)
KEE; MICHAEL BLACKWOOD;)
BERNARDO RUBALCAVA; ROBERT)
VACCARI; JAKE ADAMS; and)
DOES 6-10, inclusive,)
)
Defendants.)
_____)

Oral and videotaped deposition taken remotely on behalf
of Defendants, commencing at 10:02 a.m. on Monday,
November 25, 2024 before Erika "Rik" Rutledge, Certified
Shorthand Reporter No. 13774 for the State of
California.

1 house.

2 Q Other than law enforcement and your family and
3 fiancée, have you directly spoken about this incident to
4 anyone else?

11:16:32 5 A Yes. We know some officers that, you know,
6 were interested. We had people at church that wanted to
7 know what had happened, you know. Just like the usual
8 social networks that we had were curious about what had
9 happened.

11:16:54 10 Q No other official statements that you gave
11 though?

12 A No.

13 Q Aside from your family, did you speak with any
14 witnesses that were present for the incident?

11:17:10 15 A No. We -- nobody that witnessed it.

16 Q Are you thinking about something else that
17 maybe I'm not asking the right question?

18 A So he wasn't there at the time. It was the
19 son, one of the older sons, from the house across Peach
11:17:31 20 had come to speak to us about what had happened, but he
21 wasn't there when it happened. But it was his family,
22 so he wanted to know if we had seen or what had
23 happened.

24 Q Okay. Do you know who lives in the house
11:17:56 25 across from you on Peach, the family's last name?

1 A I don't. My brother knew that -- they were
2 about the same age. He knew him, so that's why he came
3 over. But I personally did not know them. I never
4 really interacted with them.

11:18:20 5 Q When did the older son who lives -- I don't
6 actually know who lives across the street. But you're
7 describing, I think, the same house that we've described
8 earlier across from you on Peach that there's an older
9 son that came over to your house. Was that the same day
11:18:41 10 of the incident or at another time?

11 A Another time.

12 Q From what you know from this older son, he was
13 not at the house on the night of the incident?

14 A Yes.

11:19:06 15 Q So did you talk to this older son or was it
16 your brother?

17 A It was my brother. But he wanted to know if we
18 had any footage of what had happened. So I did talk to
19 him briefly that I did have footage.

11:19:26 20 Q Did you give the older brother the footage that
21 you had?

22 A Yes.

23 Q Is it the same footage that you gave to law
24 enforcement?

11:19:36 25 A Yes.

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF ORANGE)
4

5 I, Erika "Rik" Rutledge, Certified
6 Shorthand Reporter, Certificate No. 13774, for the State
7 of California, hereby certify:

8 I am the deposition officer that
9 stenographically recorded the testimony in the foregoing
10 deposition;

11 Prior to being examined, the deponent was
12 by me first duly sworn;

13 The foregoing transcript is a true and
14 accurate record of the testimony given.

15
16 Dated: December 16, 2024

17
18 
19

20 Erika "Rik" Rutledge
21
22
23
24
25

Exhibit O

From: [Hang Le](#)
To: [Shannon Gustafson](#)
Cc: [Diana Esquivel](#); [Amy R. Margolies](#); [Anita K. Clarke](#)
Subject: RE: L.C., et al. (Puga) v. State of California
Date: Wednesday, December 18, 2024 10:13:24 AM

EXTERNAL EMAIL: This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Good morning Shannon,

At the time of the conference with the Magistrate, there was no issue pending because we had yet to meet and confer on this issue, and as we all saw, Judge Kewalramani does not like to be surprised with issues that the parties have not adequately discussed before bringing the issues before him. Additionally, we sent out the letters yesterday because according to our calculations, yesterday was the deadline to timely to object to the subpoenas. Thus, although we still intended on conferring with you on this issue, in an abundance of caution so as not to blow any deadlines and waive objections, we sent those letters out. Had this issue not been resolved after we met and conferred, we would have brought an ex parte motion to quash.

Additionally, while we still maintain that the records are neither relevant nor proportional to the needs of this case—particularly because the Mr. Puga’s mother has testified that she was aware that he had been incarcerated (and she visited him at times during periods of his incarceration), just not the reasons for the incarcerations because that topic was not something they liked to discuss with each other, and she would be the only plaintiff who defendants could credibly argue that Mr. Puga’s criminal history has any bearing to “society and comfort” since two of the children were very young when Mr. Puga passed away and the older child had very limited contact with him—we do recognize that this issue may be a close call in terms of wrongful death damages.

Accordingly, after speaking with Mr. Galipo about this issue, we are willing to withdraw our objections and send out letters notifying the agencies so, if you are willing to supply us with a copy of the records once you receive them.

Best,
Hang

Hang D. Le, Esq. | Law Offices of Dale K. Galipo | 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367 | Office: +1.818.347.3333 | Fax: +1.818.347.4118 | Email: hlee@galipolaw.com

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From: Shannon Gustafson <sgustafson@lynberg.com>
Sent: Tuesday, December 17, 2024 5:35 PM
To: Hang Le <hlee@galipolaw.com>
Cc: Diana Esquivel <Diana.Esquivel@doj.ca.gov>; Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>
Subject: FW: L.C., et al. (Puga) v. State of California

Hang,

If you intended to send out letters blocking all of our subpoenas so that we are not able to obtain any documents before the discovery cut off, you should have advised the Magistrate this morning when he asked if there were any outstanding issues, instead of waiting until this afternoon so now we have to bring yet another issue to the Court when we know it will be out next week. Further, when do you plan on brining your Motion to Quash, or do you simply plan to let the discovery cut off expire and then claim we are not entitled to the documents?

Setting aside the timing issues above, your Motion to Quash is entirely without merit. If you do not immediately withdraw your letters, we will be filing an Ex Parte seeking an order from the Magistrate to order withdrawal of the same and/or an Ex Parte with Judge Kato to extend the discovery cut off to address this issue by regularly noticed Motion.

First the subpoenas were properly issued pursuant to FRCP 45. Contrary to your false assertions they were not served on the facilities on December 6, 2024. That was the date they were prepared. They were mail served on your office first and then on the custodians in compliance with FRCP 45. This objection is without merit and we will get a declaration from our outside vendor confirming the same if necessary. The subpoenas were procedurally compliant.

Second, Plaintiff's only asserted objection is relevance. Under Rule 45 the grounds for quashing the subpoena are because it requires the disclosure of privileged or protected matter or subjects a person to an undue burden under FRCP 45. There is nothing in FRCP 45 that allows for a Motion to Quash merely because Plaintiff unilaterally has decided the information is not relevant. The standard for discovery under Rule 26 is not whether the information is relevant but whether the request is proportionate to the needs of the case, and here it clearly is for the reasons indicated below. If Plaintiff has an issue with the relevancy of this information or its admissibility at trial, the appropriate time is to raise that in a Motion in Limine and not by obstructing Defendants efforts to gather the information, that Plaintiff has unilaterally deemed not relevant. *United States v. R. Enterprises Inc.* 498 U.S. 292, 301 (1991) (where " a subpoena is challenged on relevancy grounds, the motion to quash must be denied unless the district court determines there is no reasonable possibility that the category of

materials . . . will produce information relevant. . .").

Your basis for objecting to these subpoenas and all your authority is based entirely on the argument that records of other incidents that the officers did not know about cannot be relevant to their liability under Section 1983. However, there are many other reasons these records are proportionate to the needs of this case, which is all that is required to issue discovery requests under Rule 26. . Given that Mr. Puga's family have all testified and essentially claimed ignorance of his criminal history , drug history or alcohol history, we were left with no choice but to seek out these records directly from the entities to expose these credibility issues and to introduce evidence of Mr. Puga's lifestyle. So contrary to your claim there is no other means to obtain this information that Puga's mother and girlfriends deny exist.

It cannot be credibly disputed that the quality of the relationship between Puga and his children would be impacted in the future if he were to return to jail, which is the likely result given his past charges and his probation which would now be impacted by his evading of police on February 15-17, 2024. Likewise Puga's past lifestyle is relevant for assessing the quality of his relationships to counter the testimony by Plaintiffs. Finally Puga's medical history, drug history and or injuries sustained in jail may produce information relevant to his life expectancy which is also clearly relevant. Plaintiffs cannot have it both ways, they cannot seek millions of dollars and then block any information related to who Mr. Puga was, and courts have repeatedly so held.

Indisputably, Decedent's life expectancy is at issue in this "wrongful death" case. See, *Francis v. Sauve*, 222 Cal. App. 2d 102, 121 (1963); see also, *Parsons v. Easton*, 184 Cal. 764, 770-771 (1921) ("It is the shorter expectancy of life that is to be taken into consideration [in computing wrongful death damages]; for example; if as in the case here, the expectancy of life of the parents is shorter than that of the son, the benefits to be considered are those only which might accrue during the life of the surviving parents.").

These cases are grounded in the common sense reality that criminal activity presents lifestyle risks that can (and do) impact relationships and life expectancy. See, CACI Jury Instruction No. 3921 (wrongful death damages calculations require the jury to evaluate decedent's "health, habits, activities [and] lifestyle....") (emphasis added); see also, *Witkin, Summary of Cal. Law, Wrongful Death*, § 181.17 (10th ed. 2015) ("[E]vidence that [parties' relationship] was strained and unhappy at the time of death may suffice to negate or minimize a surviving [heir's] damages for loss of the decedent's society, comfort, and protection."); *Benwell v. Dean*, 249 Cal.App.2d 345, 353 (1967) ("It is always proper to make proof of the relations of the decedent to the person for whose benefit the action is being maintained, because such proof has a bearing upon the pecuniary loss suffered by the person entitled to recovery . . . ").

Introduction of a Decedent's criminal history is also grounded in basic notions of fairness and the recognition that litigation is a search for the truth. See, *Agosto v. Trusswal Systems Corp.*,

142 F.R.D. 118, 120 (E.D. Pa. 1992) ("It is Plaintiff's choice to pursue claims that necessitate the introduction of life expectancy information and basic fairness dictates that Plaintiff should not be allowed to make a potentially large recovery against [the defendant] based on an average life span when, in reality, Plaintiff may well have a shorter than average life expectancy."); *see also*, *Lewis v. District of Columbia*, 793 F.2d 361, 363 (D.C. Cir. 1986) (affirming district court's order admitting evidence of past drug use *and arrests* when the evidence was probative in aiding the jury to fairly measure the extent of damages for the alleged police "excessive force" claim and that its prejudicial effect did not substantially outweigh its probative value).

Furthermore, Decedent's periods of prior incarceration are relevant to Plaintiff's damages because incarceration would reduce the amount of "society and comfort" Decedent provided to Plaintiffs. *Peraza v. Dalmeter*, 722 F.2d 1455, 1457 (9th Cir. 1984); *Castro v. Cty. of Los Angeles*, No. 2:13-cv-06631, 2015 WL 4694070, at *4 (C.D. Cal. 2015).

Under Rule 26 and FRCP 45, relevancy is not the standard for quashing a subpoena and even if it where the information requested is relevant, and not privileged. Plaintiffs are free to argue the relevancy at trial but there was no valid legal grounds to advise these third parties not to respond to a validly issued subpoena.

Withdraw your letters immediately or we will file an Ex Parte with the Magistrate. I am available tomorrow at 2:00 p.m. to discuss your position but the authority you provided thus far renders your objections frivolous and your obstruction without cause.

Thanks

Shannon L. Gustafson

Shareholder

Direct: (714) 352-3547



LYNBERG & WATKINS

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Orange, California 92868

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www.linkedin.com

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From: Santiago Laurel <slaurel@galipolaw.com>
Sent: Tuesday, December 17, 2024 4:49 PM
To: Diana.Esquivel@doj.ca.gov; Shannon Gustafson <sgustafson@lynberg.com>; Amy R. Margolies <amargolies@lynberg.com>; Gloria Pence <gpence@lynberg.com>
Cc: Hang Le <hlee@galipolaw.com>; Dalekgalipo@yahoo.com
Subject: L.C., et al. (Puga) v. State of California

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Counsel,

Attached please find the following:

Letter re Objection to Subpoena (CDCR Archives)
Letter re Objection to Subpoena (CDCR Archives)
Letter re Objection to Subpoena (East Angeles County Sheriff's Station)
Letter re Objection to Subpoena (LAPD Metropolitan Detention Center)
Letter re Objection to Subpoena (Long Beach Police Department)
Letter re Objection to Subpoena (Los Angeles County Sheriff's Department Cerritos Station)
Letter re Objection to Subpoena (Los Angeles County Sheriff's Department Norwalk Station)
Letter re Objection to Subpoena (Los Angeles Police Department)
Letter re Objection to Subpoena (Los Angeles Sheriff's Department)
Letter re Objection to Subpoena (South Angeles County Sheriff's Station)
Letter re Objection to Subpoena (Wasco State Prison)

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Best regards,
Santiago G. Laurel

Santiago G. Laurel, Litigation Secretary | The Law Offices of Dale K. Galipo | 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367 | Office: +1.818.347.3333 | Fax: +1.818.347.4118 | Email: SLaurel@galipolaw.com

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Exhibit P

From: [Hang Le](#)
To: [Diana Esquivel](#); [Shannon Gustafson](#); [Amy R. Margolies](#); [Anita K. Clarke](#)
Cc: [Amy R. Margolies](#); [Anita K. Clarke](#); [Mark Meneses](#); [Angelica S. Calderon](#); [Gloria Pence](#); dalekgalipo@yahoo.com; [Santiago Laurel](#)
Subject: RE: Puga v. County of San Bernardino, et al.
Date: Friday, October 18, 2024 2:50:57 PM

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Good afternoon Diana,

We still have a month and a half until December and we have yet to know if there will be problems with officer depositions in November. If we are unable to take officer depositions in November (which we believe is unlikely), we are happy to revisit this issue and/or discuss continuing the case management dates then. Until then, we would like to abide by the stipulation all parties willingly entered into regarding priority of the officer depositions. Thank you.

Best regards,
Hang Le

[Hang D. Le, Esq.](#) | Law Offices of Dale K. Galipo | 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367 | Office: +1.818.347.3333 | Fax: +1.818.347.4118 | Email: hlee@galipolaw.com

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From: Diana Esquivel <Diana.Esquivel@doj.ca.gov>
Sent: Friday, October 18, 2024 2:41 PM
To: Hang Le <hlee@galipolaw.com>; Shannon Gustafson <sgustafson@lynberg.com>; Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>
Cc: Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>; Mark Meneses <mmeneses@lynberg.com>; Angelica S. Calderon <acalderon@lynberg.com>; Gloria Pence <gpence@lynberg.com>; dalekgalipo@yahoo.com; Santiago Laurel <slaurel@galipolaw.com>
Subject: RE: Puga v. County of San Bernardino, et al.

Good afternoon Hang,

I share Shannon's concerns regarding delaying taking any Plaintiff's deposition until after all the Defendant officers are deposed, especially when your office isn't even

sure if it can proceed with the officers depositions in November due to your trial conflict. Based on your response below, if you're unable to proceed with Blackwood and Rubalcava's depositions on November 4, you will not allow Plaintiffs' depositions to go forward until Blackwood and Rubalcava's depositions are rescheduled and completed. What if their deposition cannot be taken until mid-December due to your schedule? Are you doing to refuse to produce any Plaintiff for deposition until after mid-December? This makes no sense and will cause unnecessary delay in completing the discovery that needs to be done in the time remaining. We need to proceed in an efficient and practical manner that will allow completion of all the discovery that is needed between now and the close of discovery.

Moreover, I don't understand what prejudice Plaintiffs will suffer if any of their depositions are taken before all the officers' depositions are completed. Again, we need to be reasonable and practical. I'd hate to burden the Court with these petty discovery issues that the parties should be able to resolve on their own.

Thanks,

-Diana

Diana Esquivel
Deputy Attorney General
TORT & CONDEMNATION SECTION
Office of the Attorney General
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From: Hang Le <hlee@galipolaw.com>

Sent: Friday, October 18, 2024 2:29 PM

To: Shannon Gustafson <sgustafson@lynberg.com>; Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>

Cc: Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>; Mark Meneses <mmeneses@lynberg.com>; Angelica S. Calderon <acalderon@lynberg.com>; Gloria Pence <gpence@lynberg.com>; dalekgalipo@yahoo.com; Diana Esquivel <Diana.Esquivel@doj.ca.gov>; Santiago Laurel <slaurel@galipolaw.com>

Subject: RE: Puga v. County of San Bernardino, et al.

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Shannon,

While I agree that we have limited time left discovery, this was an unfortunate result of the County's delay in concluding the investigation and the lack of communication from County Defendants regarding the conclusion of the investigation. We only agreed to continue the case management deadlines due to the agreement that the officers' depositions would proceed first, given that we had made the effort to secure those depositions first and was only told a few days before the depositions that they could not occur due to the pending investigation.

Had there not been that agreement, we would not have agreed to the stipulation and would have opposed any protective order regarding the officers' depositions. Additionally, we were informed at the time of the stipulation that the County anticipated it would conclude its investigation by June at the latest. Despite several follow ups from us, we were not informed that the County had concluded its investigation on September 12, 2024 and only found out about it when the County published its Public Release Memorandum regarding the incident on October 4, 2024. When we reached out for dates, we requested availability for the last week of October and were instead given dates in November. We believe if Defendants take this up with the Court, the Court would enforce the stipulation that the parties freely entered into.

In light of the parties' stipulation, we will not be producing the plaintiffs for October 28.

Additionally, I am currently not available the last two weeks of November. However, things may open up as we get closer. I will let you know if any dates free up.

Best regards,
Hang Le

Hang D. Le, Esq. | Law Offices of Dale K. Galipo | 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367 | Office: +1.818.347.3333 | Fax: +1.818.347.4118 | Email: hlee@galipolaw.com

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From: Shannon Gustafson <sgustafson@lynberg.com>

Sent: Friday, October 18, 2024 2:12 PM

To: Hang Le <hlee@galipolaw.com>; Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>

Cc: Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>; Mark Meneses <mmeneses@lynberg.com>; Angelica S. Calderon <acalderon@lynberg.com>; Gloria Pence <gpence@lynberg.com>; dalekgalipo@yahoo.com; Diana.Esquivel@doj.ca.gov; Santiago Laurel <slaurel@galipolaw.com>

Subject: RE: Puga v. County of San Bernardino, et al.

Hang,

First at the time we reached this stipulation it was based on the premise that none of the

th

officers could be deposed due to the 5th amendment issues and therefore we would delay taking the Plaintiff depositions as a courtesy in return for Plaintiff agreeing to extend the deadline for the officers.

Now that the 5th amendment issues have been resolved and the Defendant depositions have been scheduled it makes little to no sense to force Defendants to wait to take a single Plaintiff deposition until after all the Defendants have been deposed given the limited time left and we think if we were forced to take this up with the Court it would agree.

Further we asked you for dates multiple times and did not receive a single date for a single witness until after we sent you notices.

Are you indicating that you are not available October 28 or are simply refusing to produce a Plaintiff until after the Defendants? As to the November 21 date if you are not available we can work on rescheduling. However, I note that you did not offer a single date in November. Is it your position that not a single witness is available next month and that we have to wait until December or later to take all of the depositions.

This may pose a problem as I am currently set for a trial on December 17 and may therefore have to request a continuance of the discovery cut off under the circumstances as I cannot be in deposition every single day the week before my trial.

Shannon L. Gustafson
Shareholder
Direct: (714) 352-3547



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From: Hang Le <hlee@galipolaw.com>

Sent: Friday, October 18, 2024 1:59 PM

To: Shannon Gustafson <sgustafson@lynberg.com>; Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>

Cc: Shannon Gustafson <sgustafson@lynberg.com>; Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>; Mark Meneses <mmeneses@lynberg.com>; Angelica S. Calderon <acalderon@lynberg.com>; Gloria Pence <gpence@lynberg.com>;

dalekgalipo@yahoo.com; Diana.Esquivel@doj.ca.gov; Santiago Laurel <slaurel@galipolaw.com>

Subject: RE: Puga v. County of San Bernardino, et al.

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Dear Counsel,

We are in receipt of your notice of depositions of the Plaintiffs in the Puga v. County of San Bernardino case.

First off, we object to the date of October 28, 2024 for the depositions of Antonia Salas Ubaldo and Maria Cadena. Pursuant to the May 24, 2024 Stipulation (Doc. No. 84), the parties agreed that the deposition of the individual officers would proceed before any other witness or party depositions. Since the officer depositions have been tentatively agreed-upon to occur in November, the noticed date of October 28 is in violation of the parties' agreement.

Second, we are not available November 21 for Jasmine Hernandez and Lydia Lopez's depositions.

Assuming that the involved officers' depositions will have occurred prior to the following dates, the Puga Plaintiffs are available as follows:

Antonia Salas Ubaldo: 12/2-12/6, 12/9-12/13, 12/16-12/20. Please note, Ms. Ubaldo will require a Spanish translator. Additionally, Ms. Ubaldo recently suffered a stroke and now has a hard time speaking, so she may be difficult to understand at times.

Jasmine Hernandez: 12/2-12/6, 12/9-12/13, 12/16-12/20.

Maria Cadena: 12/2-12/6, 12/9-12/13, 12/16-12/20.

Lydia Lopez: 12/2-12/6, 12/9-12/13, 12/16-12/20, but prefers an earlier date and Wednesday or Thursday if possible.

Best regards,
Hang Le

Hang D. Le, Esq. | Law Offices of Dale K. Galipo | 21800 Burbank Blvd., Suite 310, Woodland Hills, CA 91367 | Office: +1.818.347.3333 | Fax: +1.818.347.4118 | Email: hlee@galipolaw.com

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From: Gloria Pence <gpence@lynberg.com>
Sent: Friday, October 18, 2024 12:41 PM
To: dalekgalipo@yahoo.com; Hang Le <hlee@galipolaw.com>; Diana.Esquivel@doj.ca.gov
Cc: Shannon Gustafson <sgustafson@lynberg.com>; Amy R. Margolies <amargolies@lynberg.com>; Anita K. Clarke <aclarke@lynberg.com>; Mark Meneses <mmeneses@lynberg.com>; Angelica S. Calderon <acalderon@lynberg.com>
Subject: Puga v. County of San Bernardino, et al.

Counsel, please see the attached.

Kindest,

Gloria Pence
Legal Secretary to
Shannon L. Gustafson
Anita K. Clarke
Amy Margolies
Mark Menses

Off: (714) 937-1010 Fax: (714) 937-1003



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